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2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

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August 25, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

RE: Recommendations Regarding Appointment of a Special Counsel

Dear General Reno:

On Wednesday you announced that you would not follow Campaign Financing Task Force Supervising Attorney Robert Conrad's recommendation to appoint a special counsel to investigate allegations of illegal conduct by Vice President Albert Gore, Jr. Your decision was not a surprise. From my perspective, it was not a surprise because you have a well-developed track record of doing the wrong thing when it comes to the campaign finance investigation. You do not follow recommendations that are designed to promote confidence in the investigation, and you cling to the belief that it is appropriate for you – a career Democratic elected official – to make the key decisions when it comes to investigating your own party and your own boss. Furthermore, you have stood idly by while your political subordinates leak information that undercuts your own investigation. You also have permitted gross derelictions of duty, including:

- A failure to ask the President a single question about the Riady family until April 21, 2000.
- A failure to ask the President a single question about illegal foreign money contributed in the 1996 election cycle until April 21, 2000.
- A failure to ask the Vice President a single question about the Hsi Lai Temple fundraising event until April 18, 2000.
- A failure to ask the Vice President a single question about an exchange in which he appears to say to Arief Wiriadinata, a man responsible for \$455,000 in illegal campaign contributions, "we oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes." Nor did you ask about the apparent response from one of the Presidential coffee attendees: "I'll see if I can do that."

In fact, it appears that you are purposefully avoiding reviewing the original evidence regarding possible comments by the Vice President about showing issue advertisement tapes to Mr. Riady, even though you have known about this evidence for almost nine months. Word was leaking out of the Justice Department earlier this year that your prosecutors were very interested in this apparent statement by the Vice President. However, after Assistant Attorney General James Robinson, Deputy Assistant Attorney General Alan Gershel, Assistant Attorney General Robert Raben, and Campaign Financing Task Force Supervising Attorney Robert Conrad were asked about this evidence at a public hearing, the Justice Department seems no longer interested in following up on something that was once a matter of interest. Making matters worse, you stand by while at least one of your advisers anonymously denigrates the poor quality of the copy of the tape that you possess. You are perfectly aware that this Committee has the original videotape, and that it would have been very easy to make a simple request to review this evidence. From my perspective, it appears that once again the Justice Department is mortally embarrassed, and you are taking the approach that if you keep your head in the sand, then maybe no one will notice.

The above reasons are not the only basis for my lack of surprise regarding your decision. The other basis is a little more obvious – your subordinates leaked the decision to a number of newspapers before you made your announcement. Unlike the times when your subordinates have leaked grand jury information, or made statements that have undermined your investigation, putting this information out before your press conference was certainly not inappropriate. What was inappropriate, however, was the lie that one of your subordinates told when he said: “[t]his time, no other prosecutors in the government thought it was even a close call.”¹

This dishonesty provides a clear reason why you should remove yourself from the decisionmaking process. The American people deserve an Attorney General who promotes confidence in the judicial process. When you surround yourself with people who are prepared to undercut your own Campaign Financing Task Force Supervising Attorney, as has happened on more than one occasion, and who act in a dishonest manner, there can be little confidence that the decisions that come from these people are appropriate. Furthermore, there can be no confidence in a process that brings in someone from the outside to make tough, independent calls – for example Charles La Bella and Robert Conrad – and then ignores and undercuts them when they come to honest conclusions.

You also told the American people that where Mr. Conrad’s recommendation was concerned, no further investigation was warranted. The evening before, however, one of your subordinates was spreading disinformation to the New York Times and the Associated Press about Mr. Conrad being completely isolated in his request for a special counsel. This can be interpreted only as pure political spin, and it is unseemly when one of your top advisers behaves this way. When your advisers mislead the public, and they are more concerned with politics than justice, you have a serious problem. Clearly, something is very wrong with the team that you have assembled. Unfortunately, the fair

¹ Even you could not allow that lie to stand, and you stated on Wednesday: “Today, Bob Conrad has been tagged with being the only person in the Justice Department who thought I should appoint a special counsel. Although I’m not going to get into who recommended what, I can tell you that that is not correct.”

conclusion to be drawn from this is that something is also very wrong with the decisionmaking process at the Justice Department. It is for this reason that I have today issued a subpoena for Mr. Conrad's recommendation to you, and the other recommendations pertaining to the appointment of a special counsel that have been made this year.

I am aware that on Wednesday, during your press conference, you expressed a preference that Congress not ask for this information. If we had followed your wishes, however, we would never have learned that your investigators had failed to ask the Vice President about the Hsi Lai Temple. We would not know that they failed to ask the President about James Riady or foreign money. We would also not know that they seem to be completely indifferent to whether Vice President Gore suggested showing issue advertisements to a man he hardly knew, who had given over one million dollars in illegal contributions to the Democratic Party, and who lived in Jakarta, Indonesia. If this statement was indeed made, the implications for the campaign finance investigation would be significant.

In addition to the information called for in the subpoena, I would like to know why you do not want to review the original of the December 15, 1995, White House coffee videotape. As you are aware, the original tape was obtained directly from the White House by the Committee and is currently in the Committee's possession. The copy you have, which is the same as the copy we were originally given in 1997, is very poor and the dialogue cannot be clearly understood. If the case is open, I can understand why you would not answer this question, and I would accept your refusal to answer. I would not be able to understand why you have waited so many months to ask for the original evidence given the fact that the copy you now possess is almost useless. However, at least your refusal to answer the question would be consistent with past practice.

If the investigation of James Riady and the Vice President's possible relationship to illegal money received from Mr. Riady is closed, then you are able to explain why you have elected to ignore the original evidence from the December 15, 1995, White House coffee. Thus, please inform me, no later than August 31, 2000, whether the investigation regarding James Riady and Vice President Gore's relationship with James Riady is ongoing or, if it is not ongoing, explain why you have closed the investigation prior to reviewing original evidence from the December 15, 1995, White House coffee.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman
Louis Freeh, Director of the Federal Bureau of Investigation
Robert Conrad, Esq.
Members, Committee on Government Reform